

**ENTERED**

April 14, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

GRIMALDO H. CHAVARRY,  
(BOP #58170-177)

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Petitioner,

§

§

vs.

CIVIL ACTION NO. 4:20-cv-2204

§

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UNITED STATES OF AMERICA,

§

§

Respondent.

§

**ORDER OF DISMISSAL**

Grimaldo H. Chavarry, a federal inmate, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241, while confined at the Joe Corley Detention Facility in Conroe, Texas. Chavarry contends that he has not received proper credit for time spent in federal custody.

A review of public records shows that Chavarry is no longer in federal custody.<sup>1</sup> Chavarry has not provided the Court with a change of address, as required by Rule 83.4 of the Local Rules for the Southern District of Texas, Houston Division. Under that rule, a self-represented litigant is responsible for keeping the Clerk advised in writing of his current address. Chavarry has failed to provide the Court with an accurate, current address.<sup>2</sup>

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<sup>1</sup> See Website for Federal Bureau of Prisons, available at <https://www.bop.gov/inmateloc/> (last visited on April 13, 2021).

<sup>2</sup> Court records also show that mail sent to Chavarry at the Joe Corley Detention Facility was

Chavarry's failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See Fed. R. Civ. P. 41(b); Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998) (noting that a district court may *sua sponte* dismiss an action for failure to prosecute or to comply with any court order). Chavarry is advised, however, that upon a proper showing of good cause for his failure to comply with local rules, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, it is **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE** for want of prosecution.

SIGNED at Houston, Texas on April 13, 2021.



ALFRED H. BENNETT  
UNITED STATES DISTRICT JUDGE

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returned as undeliverable in a related case. *See Chavarry v. Tate*, Civil No. 4:20-cv-2399 (S.D. Tex. 2020) (Dkt. No. 5).